

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

JOSEPH BOACHIE-DANQUAH,	:	Case No. 1:17-cv-641
	:	
Petitioner,	:	Judge Timothy S. Black
	:	Magistrate Judge Bowman
vs.	:	
	:	
U.S. ATTORNEY GENERAL, <i>et al.</i> ,	:	
	:	
Respondents.	:	
	:	

**DECISION AND ENTRY
ADOPTING THE REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE (Doc. 15)**

This case is before the Court pursuant to the Order of General Reference to United States Magistrate Judge Bowman. Pursuant to such reference, the Magistrate Judge reviewed the pleadings filed with this Court and, on February 14, 2018, submitted a Report and Recommendation. (Doc. 15). No objections were filed.

As required by 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), the Court has reviewed the comprehensive findings of the Magistrate Judge and considered *de novo* all of the filings in this matter. Upon consideration of the foregoing, the Court does determine that the Report and Recommendation should be and is hereby **ADOPTED** in its entirety.

Accordingly, for the reasons stated above:

- 1) Respondents' motion to dismiss (Doc. 12) is **GRANTED**;
- 2) Petitioner's *pro se* petition for writ of *habeas corpus* pursuant to § 2241 (Doc. 1) is **DISMISSED** without prejudice;

- 3) A certificate of appealability shall not issue because Petitioner has not stated a “viable claim of the denial of a constitutional right,” nor are the issues presented “adequate to deserve encouragement to proceed further.” *See Slack v. McDaniel*, 529 U.S. 473, 475 (2000) (citing *Barefoot v. Estelle*, 463 U.S. 880, 893 & n.4 (1983)); *see also* 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b); and
- 4) The Court certifies that, pursuant to 28 U.S.C. § 1915(a)(3), an appeal of this Order would not be taken in good faith and therefore Plaintiff is denied leave to appeal *in forma pauperis*.

IT IS SO ORDERED.

Date: 8/23/18

T. Black
Timothy S. Black
United States District Judge